

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Middle District of Alabama

United States of America )

v. )

Jesse Lemar McCormick )

Case No. 2:20mj175-SRW )

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 1, 2020 - April 8, 2020 in the county of Autauga and Elmore in the  
Middle District of Alabama, the defendant(s) violated:

Code Section

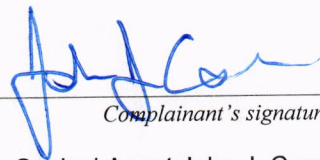
Offense Description

Title 18 United States Code,  
 Section 2251 (a) and (e)

Sexual Exploitation of a Child

This criminal complaint is based on these facts:

Please see attached Affidavit

☒ Continued on the attached sheet.


Complainant's signature

Special Agent John J. Connors, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/23/2020

/s/ Susan Russ Walker

Judge's signature

City and state: Montgomery, Alabama

Susan R. Walker, U.S. Magistrate Judge

Printed name and title

**Affidavit in Support of a Criminal Complaint**

I, Homeland Security Investigations Special Agent John J. Connors, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent (SA) with Homeland Special Investigations (HSI), assigned to the HSI Office in Montgomery Post of Duty (POD). I have been employed with HSI as a Special Agent since 2012. As part of my duties as a Special Agent with the HSI, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of Title 18 U.S.C. §§ 2251, 2252, and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review examples of child pornography (as defined in 18 U.S.C. § 2256)<sup>1</sup> in all forms of media, including computer media. I have also participated in the execution of search warrants involving child exploitation and/or child pornography offenses.

Based on my training and experience as set forth above, I am aware that any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, with the intent that such minor engage in, any sexually explicit conduct for

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<sup>1</sup> “[C]hild pornography’ means any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” For conduct occurring after April 30, 2003, the definition also includes “(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct.” 18 U.S.C. § 2256(8).

the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, or attempts to do any of these acts, or attempts to do any of these acts or having reason to know that such visual depiction would be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed; the visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer; the visual depiction was transported or transmitted using any means or facility of interstate or foreign commerce; or the visual depiction was transported in or affecting interstate or foreign commerce, is in violation of 18 U.S.C. § 2251(a) and (e).

2. Snapchat is a mobile application made by Snap Inc. (“Snap”) and available through the iPhone App Store and Google Play Store. The Snapchat app provides users a way to share moments with photos, videos, and chats. These messages are known as “Snaps.” The following additional information regarding Snapchat is from a Snapchat, Inc. document entitled, “Snapchat Law Enforcement Guide,” which indicates it was last updated September 21, 2018:

### **Snapchat Username**

A Snapchat username is a unique identifier associated with a specific Snapchat account, and it cannot be changed by the user. A display name, on the other hand, is not a unique identifier and can be created and changed by a user to indicate how the user will appear within the app. A user can also change a friend’s display name to determine how that friend will appear to that particular user on the app, similar to how one can customize contact names on a smartphone.

### **Snaps**

Snaps are photos or videos taken using the Snapchat app’s camera on an individual’s mobile device, and may be shared directly with the user’s friends, or in a Story (explained below) or Chat. Snap’s servers are designed to automatically delete a Snap after it has been viewed by all intended recipients. Snap’s servers



are designed to automatically delete an unopened Snap sent directly to a recipient after 30 days and an unopened Snap in Group Chat after 24 hours.

### **Chat**

A user can type messages, send Snaps, audio notes, and video notes to friends within the Snapchat app using the Chat feature. Our servers are designed to automatically delete one-to-one chats once the recipient has opened the message and both the sender and recipient have left the chat screen, depending on the user's chat settings. Snap's servers are designed to automatically delete unopened one-to-one chats in 30 days. Users can also chat in groups. Chats sent in groups are deleted after 24 hours whether they are opened or not. A user can save a message in Chat by pressing and holding the message. The user can unsave the message by pressing and holding it again. This will delete it from our servers. Users can also delete chats that they have sent to a recipient before the recipient has opened the chat or after the recipient has saved the chat.

### **Stories**

A user can add Snaps to their "Story". A Story is a collection of Snaps displayed in chronological order. Users can manage their privacy settings so that their Story can be viewed by all Snapchatters, their friends, or a custom audience. A user can also submit their Snaps to our crowd-sourced service "Our Story", which enables their Snaps to be viewed by all Snapchatters in Search and Snap Map. Snap's servers are designed to automatically delete a Snap in a user's Story 24 hours after the user posts the Snap, but the user may delete part or all of the Story earlier. Submissions to Our Story may be saved for longer periods of time.

3. The statements in this affidavit are based in part on information provided by HSI Special Agents, other law enforcement officers, and on my experience and background as an HSI Special Agent. The information in this affidavit is provided for the limited purpose of establishing probable cause in connection with a criminal complaint charging Jesse Lemar MCCORMICK with sexual exploitation of children and attempted sexual exploitation of children, in violation of 18 U.S.C. § 2251(a) and (e). The information is not a complete statement of all the facts related to this case.

4. I have learned through my own investigation or based on investigation by other law enforcement officials that Jesse Lemar MCCORMICK has used, persuaded, induced, enticed, or

coerced or attempted to use, persuade, induce, entice, or coerce minors to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, knowing or having reason to know that such visual depiction would be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce; the visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer; the visual depiction was transported using any means or facility of interstate or foreign commerce; or the visual depiction was transported in or affecting interstate or foreign commerce, in the Middle District of Alabama, in the following manner:

a. On April 6, 2020, child victim 1 (CV1) and his mother (names withheld) living in Autauga County, Alabama, met with Prattville, Alabama Police Department Investigators in reference to an adult male subject transmitting obscene pictures to CV1. CV1 is under the age of 16. Investigators spoke with CV1 who advised that he was communicating with a male adult named "Lemar," later identified as Jesse Lemar MCCORMICK (hereinafter "MCCORMICK"), via Snapchat. MCCORMICK was known to CV1 through friends from his school located in Autauga County, Alabama. MCCORMICK was also known by CV1 to be involved in youth programs at an Elmore County, Alabama YMCA as well as a youth ministry program as an associate pastor or leader at an Elmore County, Alabama church.

b. CV1 advised that between April 4, 2020, and April 6, 2020, he communicated with MCCORMICK via Snapchat. CV1 stated MCCORMICK's Snapchat display name was "Lemar" which was associated with the Snapchat username "birddog-8" and known to CV1 to be MCCORMICK's Snapchat account. CV1 and other juveniles referred to

MCCORMICK's residence as being "on the lake." CV1 further advised that MCCORMICK had been known to contact multiple other friends of CV1 as early as March 2020, when schools had been cancelled due to COVID-19. CV1 also advised that he tried to take screenshots of the conversation and video record with his phone to capture the conversation since "Lemar" had been known to delete messages. CV1's mother signed a Consent to Search Form for CV1's cell phone for content pertaining to the conversation with MCCORMICK.

- c. During forensic examination of the device, screenshots and videos were located that contained portions of the conversation between CV1 and "Lemar."
- d. On April 4, 2020, at approximately 1:50 p.m., CV1 received an "add request" from the contact "Lemar" or "birddog-8."
- e. Between April 4, 2020, and April 6, 2020, "Lemar" sent multiple sexually explicit messages and photographs to CV1. Some of these sexually explicit messages include the following:

**April 4, 2020**

- i. At 3:33 p.m., "Lemar" sent a "snap" to CV1 that was a photograph of a white male laying on a blue blanket displaying the white male's semi-erect penis with the caption, "That's not fully lol." "Lemar" then sent a message to CV1 stating, "You see it." (The photo also showed the subject in the photo laying near a blue blanket).
- ii. At 3:49 p.m., "Lemar" sent messages to CV1 such as, "You beating off now," "Lol," and, "I am about to lol."
- iii. At 3:50 p.m., "Lemar" sent another message to CV1 stating, "You wanna



see mine again.”

iv. At 3:52 p.m., “Lemar” sent another “snap” to CV1 that was another photograph of a white male laying on a blue blanket and showing the white male’s erect penis. (The photo also showed the subject in the photo laying on a blue blanket.)

v. At 4:03 p.m., CV1 asked “Lemar,” “Wait aren’t you like 21.” “Lemar” responded, “[Y]ea haha,” and, “Why.” “Lemar” then sent another set of messages. “I’m 22,” and, “Do you think it’s weird i seen your d<sup>2</sup> now.”

vi. Although screenshots were not captured, CV1 advised investigators that during the course of the April 4, 2020 Snapchat messages, “Lemar” requested that CV1 send pictures of his, CV1’s, penis to “Lemar.” CV1 told the investigators that he did not send pictures of himself but instead located pictures of erect penises on the Internet and sent those pictures to “Lemar” as if they were pictures of his, CV1’s, penis.

vii. At 4:05 p.m., “Lemar” sent a message to CV1 stating, “You swear you won’t tell.” CV1 responds with “Ya,” “I’m [a minor] by the way,” and, “U have seen (a minor’s) penis.”<sup>3</sup> “Lemar” responded, “You almost my size lol.”

viii. At 6:54 p.m., “Lemar” sent a “snap” to CV1 that contained a photograph of MCCORMICK posing in front of a residence with the caption, “Here’s my crib.” The photograph was later confirmed to be a depiction of the lakeside face of MCCORMICK’s residence located at 780 Lake Region Circle, Wetumpka,

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<sup>2</sup> Based on my training and experience, “d” is in reference to “dick,” which is slang for penis.

<sup>3</sup> The victim informed the suspect of his actual age, which is under 16 years old, during this conversation. The government has redacted the victim’s age in order to protect the victim’s identity.

Alabama.

iv. At 8:58 p.m., “Lemar” sent a message to CV1 stating, “Just know you my bro you seen my d.”

**April 5, 2020**

i. At 10:58 p.m., “Lemar” sent a message to CV1 stating, “Wyd”.<sup>4</sup> CV1 responded, “Takin a shower.”

ii. At 10:59 p.m., “Lemar” sent another “snap” to CV1 containing a photograph of what appears to be a white male subject believed to be MCCORMICK looking into the camera with the caption, “You beatin off”.<sup>5</sup>

iii. At 11:01 p.m., “Lemar” sent a message to CV1 stating, “You want compare again lol I’m bored.”

iv. At 11:02 p.m., CV1 responded, “Naah.” “Lemar” responded, “Wanna see mine lol.”

v. At 11:03 p.m., “Lemar” sent another “snap” to CV1 containing another photograph of what appeared to be the same white male subject as before laying on a blue blanket and possibly a beige colored fabric chair depicting the white male’s erect penis. “Lemar” then sent the message, “I’m so hard lol,” and, “Are you?” (The photo also showed the subject in the photo laying on a blue blanket and a beige colored fabric, possibly a chair).

**April 6, 2020**

i. At 12:04 a.m., “Lemar” sent CV1 two “snaps” containing photographs of what appeared to be MCCORMICK near a brown colored piece of furniture,

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<sup>4</sup> Based on my training and experience, “Wyd,” is slang for “What are you doing?”

<sup>5</sup> Based on my training and experience, “beatin’ off,” is slang for masturbation.



possibly a headboard.

ii. On April 8, 2020, Investigators from Prattville Police Department traveled to the residence at 780 Lake Region Circle, Wetumpka, Alabama and took surveillance photographs of the residence. A photograph of the rear of the residence shows the residence to have brick siding with a green tin roof, a red trim between the upper and lower stories of the residence, and a large white door. This matches the description of the residence photographed in the “snap” sent to CV1 from “Lemar” on April 4, 2020, at 6:54 p.m.

f. Based upon the information provided by CV1, investigators with the Prattville Police Department applied for and received a search warrant for the property located at 780 Lake Region Circle, Wetumpka, Alabama, which was determined to be the residence of Jesse Lamar MCCORMICK. The search warrant was executed on April 9, 2020.

g. During the execution of the search warrant, officers recovered a blue blanket from the bed appearing to be the one in the communications between CV1 and MCCORMICK.


h. Officers also located during the execution of the search warrant an Apple iPhone XR (A1984), IMEI: 356429108833634 (the iPhone XR), Owner Name: “Lemar’s iPhone,” Apple ID: lemar.mccormick22@gmail.com. Forensic examination of the iPhone XR revealed two videos on the device that appeared to be exploitative in nature. Both videos appeared to be taken by a white male subject with the iPhone XR, which depicted the subject using his hands on the groin area of an unknown juvenile victim. In both videos, the white male subject appeared to be using his fingers to manipulate the unknown juvenile victim’s penis through his shorts. One video was created March 1, 2020, at 4:05 a.m., and the other video was created March 8, 2020, at 5:36 a.m. Metadata

of both videos listed a latitude/longitude/elevation that returned at or near 780 Lake Region Circle, Wetumpka, Alabama.

i. Other photographs discovered on the iPhone XR depicted an unknown juvenile male subject wearing the baseball uniform and hat with specific letters. Investigators determined the uniform and letters on the hat were associated with a local youth travel baseball team. Investigators interviewed the owner of the youth travel baseball team who identified the unknown juvenile male subject in the photo as CV4 and provided contact information for the parents of CV4. CV4 is under the age of 18. Investigators contacted CV4's parents, who confirmed the identity of the unknown juvenile male subject in the photos as CV4 and stated that CV4 had spent the night at MCCORMICK's residence, 780 Lake Region Circle, Wetumpka, Alabama, on February 29, 2020, and March 7, 2020. The parents of CV4 positively identified CV4's clothing that he was wearing when he spent the night at MCCORMICK's home as the same clothing that the unknown juvenile victim was wearing in the exploitive videos described above found on the iPhone XR from March 1, 2020, and March 8, 2020.

Based on my training and experience, it is my belief that probable cause exists to arrest Jesse Lemar MCCORMICK for a violation of Title 18, United States Code, Section 2251(a) and (e), sexual exploitation of children and attempted sexual exploitation of children.

Respectfully submitted,



Subscribed electronically and sworn  
to telephonically on July 23, 2020.

John J. Connors  
Special Agent  
Homeland Security Investigations

Sworn to before me this 23rd day of July, 2020.

/s/ Susan Russ Walker

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SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE  
MIDDLE DISTRICT OF ALABAMA